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Supporting Statement for
Paperwork Reduction Act Submissions

This submission supports the proposed rules 1219-AB14, "Verification of Underground Coal Mine Operators Dust Control Plans and Compliance Sampling for Respirable Dust (Plan Verification)" and 1219-AB18, Determination of Concentration of Respirable Coal Mine Dust (Single Sample). The proposed rules apply to underground coal mines and to 30 CFR Part 70, 71, 75, and 90.

30 CFR 70.201 – Sampling; general and technical requirements (existing 70.202(b) now changed to 70.201(b))
30 CFR 70.203 – Approved sampling devices; operation; air flowrate (existing 70.209 – now changed to 70.203)
30 CFR 70.204 – Demonstrating the adequacy of the dust control parameters specified in a ventilation plan; verification sampling
30 CFR 70.209 – Use of supplementary control measures; types and conditions for use; request for approval
30 CFR 70.210 – Powered air-purifying respirators (PAPRs) requirements for approval
30 CFR 70.212 – Powered air-purifying respirators (PAPRs); conditions of use under special circumstances
30 CFR 70.213 – Administrative controls; requirements for approval
30 CFR 70.215 – Quarterly evaluation of approved plan parameters
30 CFR 70.216 – Respirable dust samples; transmission by operator (existing 70.209 – now changed to 70.216)
30 CFR 70.217 – Respirable dust samples; report to operator; and posting
30 CFR 70.218 – violation of respirable dust standard; issuance of citation; action required by operator; and termination of citation
30 CFR 70.219 – Status change reports (existing 70.220a – now changed to 70.219)
30 CFR 71.201 – Sampling; general requirements
30 CFR 71.202 – Certified person; sampling
30 CFR 71.204 – Approved sampling devices; maintenance and calibration
30 CFR 71.209 – Respirable dust samples; transmission by operator
30 CFR 71.210 – Respirable dust samples; report to operator; posting
30 CFR 71.220 – Status Change Reports
30 CFR 71.300 – Respirable dust control plan; filing requirements
30 CFR 71.301 – Respirable dust control plan; approval by District Manager and posting
30 CFR 90.201 – Sampling; general requirements
30 CFR 90.202 – Approved sampling devices; maintenance and calibration (existing 90.204 – now changed to 90.202)
30 CFR 90.203 - Approved sampling devices; operation; air flowrate (existing 90.209 – now changed to 90.203)
30 CFR 90.204 – Respirable dust sampling
30 CFR 90.205 – Respirable dust samples; transmission by operator

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30 CFR 90.207 – violation of respirable dust standard; issuance of citation; action required by operator; and termination of citation
30 CFR 90.208 – Status change reports (existing 90.220 – now changed to 90.208)
30 CFR 90.300 – Respirable dust control plan; filing requirements; contents
30 CFR 90.301 – Respirable dust control plan; approval by district manager; copy to Part 90 miner

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

For as long as miners have taken coal from the ground, many have suffered respiratory problems due to their occupational exposures to respirable coal mine dust. Long-term retention of coal mine dust in the lung causes chronic lung diseases including coal workers' pneumoconiosis (CWP), silicosis, and chronic obstructive pulmonary disease (COPD) (e.g., chronic bronchitis, emphysema, and airways obstruction). Coal workers' pneumoconiosis occurs in two stages: simple and complicated pneumoconiosis. Simple CWP is categorized into three levels of severity: 1, 2, and 3. Miners with simple CWP, especially the more advanced categories, have a substantially increased risk of developing complicated pneumoconiosis (more typically known as progressive massive fibrosis (PMF)). Progressive massive fibrosis can cause significant loss of lung function and give rise to respiratory symptoms (e.g., breathlessness, wheezing), and lead to disability and premature mortality. Overall, coal miners are at risk of increased morbidity and premature mortality arising from all of the chronic diseases associated with coal mine dust exposure. Elimination or reduction of coal mine dust exposure is the only effective way to prevent or minimize occupational lung disease among coal miners. To the extent that the proposed plan verification rule reduces overexposures to respirable coal mine dust (which includes quartz), there should be fewer Black Lung Program cases. Therefore, over time, the associated financial outlay by operators through either payments made into the Black Lung Disability Trust Fund, insurance premiums, or direct payments of black lung benefits should be lower than would otherwise occur. A decrease in black lung beneficiaries could help reduce the financial obligation of the Black Lung Program. In fiscal year 2000, 386 claims for Black Lung Benefits were accepted as new cases; 71 percent (273 cases) are the financial responsibility of coal operators.

Pursuant to Section 202(a) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. § 842, and its accompanying regulations at 30 CFR Part 70, and Part 71 coal mine operators are required to continuously maintain an average concentration of respirable coal mine dust in the mine atmosphere at or below 2.0 milligrams per cubic meter (mg/m^3) of air on each shift to prevent overexposure by miners. Under 30 CFR Part 90, a coal miner (Part 90 miner) who has evidence of the development of pneumoconiosis (black lung) may elect to work in a mine atmosphere that must be maintained at or below 1.0 mg/m^3. Current regulations also provide for lowering the applicable dust standard when quartz levels in the mine environment exceeds 5 percent using the formula 10/%Qtz.

To demonstrate that the applicable dust standard is being complied with, 30 CFR Parts 70, and 90 require coal mine operators to collect a specified number of dust samples.

If MSHA wishes to observe an operator taking the required samples, sections 70.201(g), 71.201(c) and 90.201(f) authorizes the District Manager to require the mine operator to submit the date(s) when sampling will begin. Additionally, proposed § 70.201(f) requires that operators provide affected miners and their representatives with an opportunity to observe verification sampling (MMUs). The operator would be required to give prior notice of the date and time of the sampling to miners and their representatives.

Only a certified person is allowed to conduct the respirable dust sampling required by these parts. To become certified, 30 CFR 70.201(b), 30 CFR 71.202(a), and 30 CFR 90.201(b) requires that the person must pass the MSHA examination on sampling of respirable coal mine dust.

Under 30 CFR 70.203 and 30 CFR 90.203 sampling devices must be operated at the proper flowrate. If the proper flowrate is not maintained, the certified person must transmit the sample to MSHA with a notification on the dust data card that the proper flowrate was not maintained.

An operator would be required to verify the dust control parameters through sampling in accordance with the requirements of existing 30 CFR 75.370(a)(1) (mine ventilation plans). 75.370 is currently approved under OMB Control No. 1219-0088 (exp. 03/31/04).

After obtaining provisional approval of the ventilation plan, an operator would be required under 30 CFR 70.204, 70.205 & 70.206 to conduct verification sampling to verify the adequacy of the dust control parameters for each MMU. Upon written request by the operator, the district manager may grant an extension to complete the verification sampling.

If the verification limit is exceeded, the operator would be required under proposed 30 CFR 70.208 to stop sampling, determine the cause of action to take, and within 5 calendar days after receiving results of sampling, submit any proposed revisions (§75.370 is covered under 1219-0088)to the plan parameters to the district manager.

Under 30 CFR 70.209, the mine operator would be required to take certain actions when verification samples exceed either verification limit after the operator has implemented all feasible engineering or environmental controls. The operator may submit a written request to the Administrator for Coal Mine Safety and Health, asking for approval to use augment engineering controls with supplementary controls to maintain the work environment of the affected miners at a safe exposure level. A copy of the request must be provided to the representative of miners and posted on the mine bulletin board. If an operator chooses to use PAPRs as a supplementary control measure, the operator must submit a revision to the ventilation plan to the district manager within 5 days of receipt of MSHA's written approval (30 CFR 70.210).

Section 30 CFR 70.212 sets forth the special circumstances under which an operator would be permitted to use, on an intermittent basis, PAPRs to protect individual miners from excessive dust concentrations and for compliance purposes. The operator may submit a written request to the district manager for the use of PAPRs as a supplementary control measure. The operator must provide a copy of the request to the representative of miners. If an operator chooses to use administrative controls as a supplementary control measure, 30 CFR 70.213 would require the operator to submit a revision to the plan parameters to the district manager.

Section 70.215(a) specifies for those MMUs designated by MSHA, one valid respirable dust sample from the DO and the occupations(s) under supplementary controls must be submitted to MSHA on a quarterly basis.

Sections 70.216(c), 71.209(a), and 90.205(c) require persons who are certified by MSHA to take respirable dust samples to complete the dust data card that accompanies each sample being submitted for analysis.

Section 70.217 and 71.210 specifies the type of sampling and other related information the operator would post on the mine bulletin board. The posting requirements are intended to promote miner awareness of the process of verifying the adequacy of the dust control parameters for each MMU specified in the mine ventilation plan and of the respirable dust conditions in the mine.

Under proposed 30 CFR 70.218(a) and 90.207(a), the operator would be cited for a violation of either § 70.100(a) and (b), or § 70.101 when a valid equivalent concentration measurement for any occupation sampled by MSHA exceeds the applicable standard and is assessed a civil penalty (MMUs only). If an operator receives a citation for exceeding the applicable dust standard, proposed paragraphs § 70.218(b)(1) through (4), and § 90.207(b) would require the operator to take specific actions to immediately protect miners and to prevent them from being overexposed on subsequent shifts within the time period fixed in the citation.

In the event of a change in the operational status of any designated sampling entity that affects the ability of the operator to fully comply with the respirable dust sampling requirements, §§ 70.219(a), 71.220(a), and 90.208 requires the operator to report status changes to MSHA in writing within 3 working days after the status change has occurred.

Section 70.220 is a new standard by which MSHA is encouraging the use of a personal dust monitor in conjunction with engineering and administrative controls as part of a comprehensive dust control program. The operator would be required to include in the proposed plan, the specific administrative controls used, how each would be employed and by whom, and the method for ensuring that such controls are complied with on each shift. The operator would be expected to develop written procedures for the proper use of this type of dust monitor.

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Existing section 75.362 (OMB Control No. 1219-0088) requires that an on-shift examination be performed to assure compliance with the dust control parameters specified in the ventilation plan prior to the beginning of coal production. The operator would be required to record the results of each on-shift examination. The certified person conducting or directing the examination would be required to verify the record of each examination at the end of the shift by initials, date and time. The record would be retained for at least six months.

Under section 75.370 (OMB Control No. 1219-0088) the operator would be required to record and maintain records of the total amount of material produced each production shift by each MMU during the previous six-month period, which would be made available for inspection by authorized representatives of the Secretary and the miners' representative.

Under section 90.204, to determine if a Part 90 miner is working in an area of the mine where the dust concentration during each shift does not exceed the applicable standard, the operator would be required to collect five valid samples with 15 calendar days after being notified by MSHA that a Part 90 miner is employed at the mine. The operator would also be required to collect five valid samples to verify the suitability of a work position to which a Part 90 miner was transferred.

Section 90.205 would require each Part 90 miner sample collected by the operator to be transmitted to MSHA within 24ours after the end of the sampling shift in containers provided by the manufacturers of the filter cassette. Each transmitted sample must be accompanied by a properly completed dust data card. All dust data cards submitted must be signed by a person certified to collect samples and must include that person's certification number. By signing the card, that person certifies that the sample was collected in accordance with the requirements of this part.

Section 90.207 is a new requirement that addresses the circumstances under which MSHA would issue a citation for violation of the applicable dust standard. It also establishes the specific actions that and operator would be required to take within the time for abatement fixed in the citation.

Sections90.300 and 71.300 require a coal mine operator to submit to MSHA for approval a written respirable dust control plan within 15 calendar days after the termination date of a citation for violation of the applicable dust standard (§ 90.100 or § 90.101/ § 71.100 or § 71.101). This plan provides a description of the specific respirable dust control measures used to abate the excessive dust violation and how each control measure will continue to be used by the operator to control dust levels and ensure continued compliance. Section 90.300(d) prohibits posting of the dust control plan for a Part 90 miner and, instead, requires a copy be provided to the affected Part 90 miner.

Under sections 90.301 and 71.301 the district manager would approve each dust control plan on a mine-by-mine basis. The operator would be required to provide a copy of the dust control plan to the Part 90 miner. The operator would be prohibited from posting a copy of the plan on the mine bulletin board. The operator would be required to review respirable dust control plans and submit proposed revisions to such plans to the district manager for approval.

2. **Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

The information provided by the mine operator on the dust data card that accompanies each dust sample, the reporting of when such samples will be collected to allow MSHA to observe the actual collection, and the reporting of any changes in operation status affecting sampling, is vital to administer an effective dust sampling program. This allows MSHA to determine not only whether mine operators have complied with the sampling requirements stipulated in the regulations but also which operators were in noncompliance with the applicable dust standard. After processing, results are reported back to mine operators for posting on the mine bulletin board and viewing by miners. MSHA also uses this information to plan enforcement activities and evaluate programs.

While the information currently being collected identifies the day the sample was taken, the particular shift during which sampling started cannot be identified when either multiple shifts are worked on the same day but only one is sampled, or when consecutive shifts are sampled on the same day. Consequently, miners, whom the dust regulations were designed to protect, are not always able to identify which of the posted dust concentrations were measured on their shift and to determine whether those results are representative of their working environment. Since the purpose of posting the sampling results is to make miners better aware of their dust exposure, knowing when a particular sample was taken is implicit. This fact was recognized by the Secretary of Labor's Advisory Committee on the Elimination of Pneumoconiosis Among Coal Mine Workers when they recommended that the dust exposure of miners being sampled should be posted on the mine bulletin board. Capturing this information will also enhance MSHA's analysis and tracking of the dust sample collection process.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

No improved information technology has been identified that would reduce the burden associated with the dust data card. Each sample transmitted by the operator must be accompanied by a properly completed dust data card. All dust data cards submitted must be signed by a person certified to collect samples and must include that person's certification number. By signing the card, that person certifies that the sample was collected in accordance

with the applicable standard. Therefore, this method of transmission does not lend itself to electronic submission. However, mine operators may utilize information technology for the other paperwork requirements associated with this information collection.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

Dust data cards are completed for individual mine operator samples that are collected to fulfill the sampling requirements and to demonstrate that a violation of the applicable standard has been abated. Without these samples, MSHA could not ascertain that respirable dust levels are being maintained at or below the respirable standard when an MSHA inspector is not onsite. While MSHA also collects compliance and abatement samples, their purpose is to (1) monitor the mine operator's respirable dust control programs; (2) determine whether the occupation being sampled by the mine operator has been properly designated for sampling; (3) ascertain the presence of excessive levels of quartz which may warrant the establishment of a reduced dust standard; and (4) establish designated work position sampling entities on the surface and remove them if current criteria is met. Since the purpose of MSHA and operator sampling differs, there is no duplication of effort.

MSHA knows of no other Federal, state, or local agency that collects similar information on respirable dust control plans.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

The provisions of the Federal Mine Safety Mine Act of 1977 (Mine Act) and MSHA regulations and standards apply to all mining operations because accidents, injuries, and illnesses can occur at any mine, regardless of size. Congress intended that the Mine Act be enforced at all mining operations within its jurisdiction regardless of size, and that information collection and record keeping requirements be consistent with efficient and effective enforcement of the Act. (See S. Rep. 181, 95th Cong., 1st Sess. 28 (1977)).

However, Congress did recognize that small operations may face problems in complying with some of the provisions of the Mine Act. Therefore, Section 103(e) of the Mine Act, 30 U.S.C. § 813(e), directs the Secretary of Labor not to impose an unreasonable burden on any operator, and in particular, small businesses, in obtaining any information under the Act. Accordingly, MSHA takes this into consideration when developing regulatory requirements, and when appropriate and consistent with ensuring the health and safety of miners, different requirements for small and large mines exist.

To provide distinct information collection and recordkeeping requirements for small mines in the regulation at hand, however, would not fulfill the objectives of the Mine Act. Statistics show that there is a higher incidence of accidents and deaths in small mines than there is in larger

mines. This precludes making any exception to the reporting requirement for small mining operations in order to reduce the burden imposed. This information collection of information complies with 5 CFR 1320.5

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Section 101(a)(9) of the Federal Mine Safety and Health Act of 1977 provides that no new mandatory health or safety shall reduce the protection afforded miners by an existing mandatory safety or health standard.

The proposed rule would require that certain designated occupations, miners, and work areas be sampled quarterly on each MMU. To sample less frequently would allow the presence of excessive levels of respirable dust to go undetected. Failing to identify where, when, and under what production conditions specific samples were collected would cause the sampling results to be meaningless and of no practical use. Consequently, any excessive levels of respirable coal mine dust that are detected could not be properly addressed, thereby threatening the health of miners.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**

N/A

- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**

N/A

- **requiring respondents to submit more than an original and two copies of any document;**

N/A

- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**

As stated above, mine operators are required, under this proposed rule, to verify, through sampling, the effectiveness of the dust control parameters for each MMU prior to receiving MSHA approval of the mine ventilation plan. In addition, the mine operator must sample quarterly each DO, any occupation required to wear a PAPR or using administrative controls, and any other occupation designated by the district manager. The purpose of the quarterly sampling is to evaluate the continued effectiveness of the approved dust control parameters.

Also, since the operational status of a designated sampling entity has a direct impact on the operator's ability to fully comply with the respirable dust sampling requirements, MSHA requires, under proposed section 70.219 and 90.208, the reporting of status changes in writing within 3 working days after the status change has occurred if sampling will be affected.

Once adopted by the mine operator, a respirable dust control plan must remain in effect for the life of the mine, or until the MSHA district manager determines that the plan is no longer necessary. Valid respirable dust control plans provide the baseline for MSHA to determine whether or not miners are being exposed to respirable dust concentrations that could jeopardize their health. The collection of information is otherwise consistent with the guidelines in 5 CFR 1320.5.

- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**

N/A

- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**

N/A

- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**

N/A

- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

N/A

8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.
Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

MSHA will publish the proposed rule, which contains the information collection requirements in the Federal Register, giving interested persons 90 days to submit comments; therefore notifying the public that these information collection requirements are being reviewed by OMB in accordance with the Paperwork Reduction Act. MSHA will also mail copies of the Federal Register notice of proposed rulemaking to all affected mines.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

MSHA has decided not to provide payments or gifts to respondents identified by this collection.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

A person certified to take respirable dust samples must properly complete the dust data card for each filter cassette. The card must have an identification number identical to that on the cassette used to take the sample and be submitted to MSHA with the sample. Each card must be signed by the certified person and must include that person's certification number. Samples with data cards not properly completed will be voided by MSHA.

The information collected on the dust data card includes the Social Security Number of the person who either collected the dust sample or signed the card certifying that the sample was collected in accordance with the regulations, and is used to determine whether that individual is a certified person as required by 30 CFR 70.201 and 90.202. If a sample is taken on a miner who already has evidence of pneumoconiosis, the Social Security Number of that miner (P-90 miner) is included on the dust data card and is used to track samples collected on that particular miner. All records pertaining to P-90 miners are kept confidential and stored in locked cabinets and accessed only by authorized Agency personnel.

No other records requiring confidentiality are required. However, in the event a mine operator should include proprietary information within the respirable dust control plan, such data will be kept confidential by MSHA consistent with the guidelines outlined in 5 U.S.C. 552(b)(4).

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons form whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**

- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**

- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.**

664 Underground Coal Mines + 419 Surface Coal Mines =
1,083 Respondents

Note that these calculations are based on the data from the Preliminary Regulatory Economic analysis (PREA) for the proposed rule. In some cases; however, the totals in the Supporting Statement may appear to deviate form those in the PREA because the burden hours and burden hour costs components have been rounded for purposed of readability.

30 CFR 71.201, 71.209, 71.210(b), 90.203, 91.205, 70.203, 70.204, 70.215, 70.216, and 70.217: MSHA estimates that it requires approximately 50 minutes (0.8333 hours) per sample to prepare the approved sampler unit and 10 minutes (0.1667 hours) to make the required operational checks (monitoring) during the shift. This work, except for the actual monitoring of sampler operation (0.1667 hours per sample), is performed by a certified dust technician earning approximately $19.95 per hour. A mine supervisor, earning $54.92 per hour, normally monitors the operation of the sampler unit during the shift.

FIRST YEAR ONLY BURDEN

The number of samples in the first year of the rule would be 20,419 (14,643 samples from those sampling with own equipment; 5,776 samples from those sampling with rented equipment).

20,419 samples x (0.8333 hrs. + 0.1667 hrs.) = **20,419 hours**

20,419 hs. x $25.78[1]

= **$526,402**

[1] $25.78 = (0.8333 hrs. x $19.95) + (0.1667 hrs. x $54.92).

MSHA estimates that a certified person (normally the mine supervisor) takes about 0.025 hours (1.5 minutes) to complete and sign the dust card, and a certified dust technician takes 0.1 hours (6 minutes) to prepare and send one sample along with the dust data card to MSHA.

20,419 samples x 0.125 hrs. = **2,552 hours**
2,552 hrs. x $26.94[2]
= **$68,751**

MSHA estimates that a clerical worker, earning $19.58, takes about 0.1 hours (6 minutes) to copy and post the one page summary of the sample results.

20,419 samples x 0.1 hrs. = **2,042 hours**
2,042 hrs. x $19.58
= **$39,982**

SECOND YEAR AND EVERY YEAR THEREAFTER BURDEN

The number of samples in the first year of the rule would be 21,816 (14,544 samples from those sampling with own equipment; 5,737 samples from those sampling with rented equipment).

20,281 samples x (0.8333 hrs. + 0.1667 hrs.) = **20,281 hours**
20,281 hrs. x $25.78
= **$522,844**

MSHA estimates that a certified person (normally the mine supervisor) takes about 0.025 hours (1.5 minutes) to complete and sign the dust card, and a certified dust technician takes 0.1 hours (6 minutes) to prepare and send one sample along with the dust data card to MSHA.

20,281 samples x 0.125 hrs. = **2,535 hours**
2,535 hrs. x $26.94
= **$68,293**

[2] $26.94 = ((0.025 hrs. x $54..92) + (0.1 hrs. x $19.95))/(0.025 hrs. + 0.1 hrs.)

MSHA estimates that a clerical worker, earning $19.58, takes about 0.1 hours (6 minutes) to copy and post the one page summary of the sample results.

20,281 samples x 0.1 hrs.	=	**2,028 hours**
2,028 hrs. x $19.58		
	=	**$39,708**

30 CFR 70.201(g), 71.201(c), and 90.201(c): If MSHA wishes to observe an operator taking the required samples, this standard gives the District Manager the authority to require the mine operator to submit the date when sampling will begin. Based on its experience in FY 1998, MSHA expects to receive an average of 256 sampling schedules in the first year, and 255 in the second year and every year thereafter.

It is estimated that it will take a mine supervisor, earning $54.92 per hour, an average of 45 minutes (0.75 hours) to develop the sampling schedule, and a clerical worker, earning $19.58 per hour, another 15 minutes (0.25 hours) to type and mail it to MSHA.

FIRST YEAR ONLY BURDEN

256 schedules x 0.75 hrs. per schedule	=	**192 hours**
192 hrs. x $54.92		
	=	**$10,545**
256 schedules x 0.25 hrs. per schedule	=	**64 hours**
64 hrs. x $19.58		
	=	**$1,253**

SECOND YEAR AND EVERY YEAR THEREAFTER BURDEN

255 schedules x 0.75 hrs. per schedule	=	**191 hours**
191 hrs. x $54.92		
	=	**$10,490**
255 schedules x 0.25 hrs. per schedule	=	**64 hours**
64 hrs. x $19.58		
	=	**$1,253**

30 CFR 70.201(b), 71.202(b), and 90.202(b): This standard requires a certified person to conduct the required respirable dust sampling and to sign the dust data card that accompanies each sample. To become certified, an individual must pass the MSHA examination on sampling of respirable coal mine dust. MSHA expects to certify approximately 230 individuals annually. Of these, 182 individuals (91 mine supervisors earning $54.92 per hour; 45 miners earning $28.07 per hour; and 46 technicians earning $19.95 per hour) will take both the training class and

the certification exam (avg. 8 hours in length), while the remaining 48 (24 mine supervisors; 12 miners; and 12 technicians) will opt for the exam only (avg. 1.5 hours).

This burden is expected to be the same in the first year and for every year thereafter.

ANNUAL BURDEN

91 mine supervisors x 8 hours per class and test	=	728 hours
45 miners x 8 hours per class and test	=	360 hours
46 technicians x 8 hours per class and test	=	368 hours
24 mine supervisors x 1.5 hours per exam	=	36 hours
12 miners x 1.5 hours per exam	=	18 hours
12 technicians x 8 hours per test	=	96 hours
Total	=	**1,606 hours**
764 hrs. x $54.92	=	$41,959
378 hrs. x $28.07	=	$10,610
464 hrs. x $19.95	=	$ 9,257
Total Costs	=	**$61,826**

30 CFR 70.219(a), 71.220(a), and 90.208(a): This standard requires the operator to report to MSHA in writing a change in the operational status of any designated sampling entity when the change affects the operator's ability to fully comply with the respirable dust sampling requirements, within 3 working days after the status change has occurred. MSHA expects mine operators to submit approximately 1,302 status change reports each year in the first year, and 1,293 in the second year and every year thereafter.

MSHA estimates that it will take a mine supervisor, earning $54.92 per hour, an average of 20 minutes (0.33 hours) to prepare a status change report and a clerical worker, earning $19.58 per hour, an average of 10 minutes (0.17 hours) to type and mail the report to MSHA.

FIRST YEAR ONLY BURDEN

1,302 reports x 0.33 hrs. per report	=	**430 hours**
430 hrs. x $54.92	=	**$23,616**
1,302 reports x 0.17 hrs. per report	=	**221 hours**
221 hrs. x $19.58	=	**$4,327**

SECOND YEAR AND EVERY YEAR THEREAFTER BURDEN

1,293 reports x 0.33 hrs. per report = **427 hours**
427 hrs. x $54.92
=
$23,451

1,293 reports x 0.17 hrs. per report = **220 hours**
220 hrs. x $19.58
= **$4,308**

30 CFR 71.300: As a result of citations issued for violation of the applicable dust standard (30 CFR 71.100 and 71.101), MSHA expects mine operators to submit 48 new respirable dust control plans and 5 revisions under 30 CFR 71.300 each year. MSHA estimates it will take a mine supervisor, earning $54.92 per hour, an average of 3 hours to prepare a new dust control plan and 1.25 hours to revise an existing plan; and a clerical worker, earning $19.58 per hour, an average of 10 minutes (0.1667 hours) to copy and mail the plan to MSHA for review and approval.

ANNUAL BURDEN

48 plans (new) x 3 hrs. per plan = 144 hours
5 plans (revise) x 1.25 hrs. per plan = 6 hours
Total Hrs. **150 hours**
150 hrs. x $54.92
= **$8,238**

53 plans x 0.1667 hrs. per plan = **9 hours**
9 hrs. x $19.58
= **$176**

30 CFR 71.301(d): This standard requires the mine operator to post a copy of the approved plan on the mine bulletin board. Copying and posting are estimated to take a clerical worker, earning $19.58 per hour, an average of 15 minutes (0.25 hours).

ANNUAL BURDEN

53 plans x 0.25 hrs. per plan = **13 hours**
13 hrs. x $19.58
= **$255**

30 CFR 90.300: As a result of the citations issued for violations of the applicable respirable dust standard (30 CFR 90.100 and 90.101), MSHA expects mine operators to submit 4 new respirable dust control plans and 2 revisions under 30 CFR 90.300 each year. MSHA estimates that it will take a mine supervisor, earning $54.92 per hour, an average of 3 hours to prepare the respirable dust control plan, and 1.25 hours to revise an

existing plan. MSHA also estimates that it will take a clerical worker, earning $19.58 per hour, an average of 10 minutes (0.1667 hours) to copy and mail the plan to MSHA for approval.

ANNUAL BURDEN

4 plans (new) x 3 hrs. per plan	=	12 hours
2 plans (revise) x 1.25 hrs. per plan	=	3 hours
Total hrs.	=	**15 hours**
15 hrs. x $19.58		
	=	**$294**
6 plans x 0.1667 hrs. per plan	=	**1 hour**
1 hr. x $19.58		
	=	**$20**

30 CFR 90.301(d): This standard requires the mine operator to provide a copy of the approved plan to the P-90 miner. MSHA estimates that it will take a clerical worker, earning $19.58 per hour, an average of 5 minutes (0.0833 hours) to copy the plan and a mine supervisor earning $54.92 per hour an average of 15 minutes (0.25 hours) to provide a copy of the approved plan to the P-90 miner.

ANNUAL BURDEN

6 plans x 0.0833 hrs. per plan	=	**1 hour**
1 hr. x $19.58		
	=	**$20**
6 plans x 0.25 hrs. per plan	=	**2 hours**
2 hrs. x $54.92		
	=	**$110**

Proposed §70.201(f)
Burden Hours and Costs to Notify Miners and Their Representatives of Verification Sampling

Paragraph (f) requires that operators give affected miners and their representatives prior notice of the date and time of intended sampling. With respect to plan verification sampling, all miners and their representatives would have to be notified. This notification would be provided each time an MMU is involved in a plan verification sampling. MSHA estimates that a clerical worker would take 0.2 hours (12 minutes) to write and then post the required information.

Table VII-9 in the PREA shows, by size category, the number of MMUs affected by this provision in the first year of the proposed PV rule. Table VII-10 in the PREA

shows, by size category, the number of MMUs affected by this provision in each year after the first year.

Shown below, by size category, are underground coal operators' first year burden hours and costs for notification prior to the first, second, and third rounds of original verification sampling.

Also shown below, by size category, are underground coal operators' annual burden hours and costs for notification of verification sampling.

FIRST YEAR ONLY BURDEN

Notifying Miners and Their Representatives of Verification Sampling

1st Year Only

<20 emp.	254 notifications x 0.2 hrs. = 51 hrs.
20to 500 emp.	807 notifications x 0.2 hrs. = 161 hrs.
>500 emp.	46 notifications x 0.2 hrs. = 9 hrs.

Annual Burden Hours

<20 emp.	30 notifications x 0.2 hrs. = 6 hrs.
20to 500 emp.	90 notifications x 0.2 hrs. = 18 hrs.
>500 emp.	5 notifications x 0.2 hrs. = 1 hrs.

Adjusted First Year Only Burden Hours(1st Year – Annual)

<20 emp.	51 hrs. – 6 hrs.	= 45 hrs.
20to 500 emp.	161 hrs. – 18 hrs.	= 143 hrs.
>500 emp.	9 hrs. – 1 hrs.	= 8 hrs.
	Total Hrs.	**196 hrs.**

Adjusted First Year Only Burden Cost

45 hrs. x $19.58	= $ 881
143 hrs. x $19.58	= $2,800
8 hrs. x $19.58	= $ 157
Total Cost	= **$3,838**

ANNUAL BURDEN HOURS

Notifying Miners and Their Representatives of Verification Sampling

Burden Hours

<20 emp.	30 notifications x 0.2 hrs. = 6 hrs.
20to 500 emp.	90 notifications x 0.2 hrs. = 18 hrs.
>500 emp.	5 notifications x 0.2 hrs. = 1 hrs.
	Total Hrs. **25 hrs.**

Burden Costs		
<20 emp.	6 hrs. x $19.58	= $117
20to 500 emp.	18 hrs. x $19.58	= $352
>500 emp.	1hr. x $19.95	= $ 20
	Total Cost	**$489**

Proposed §70.209(a) and §70.212(c)(1)
Burden Hours and Costs to Write for Permission to Use Supplementary Controls and Send it to the Miners' Representative

MSHA estimates that it would take a supervisor 1 hour to prepare a request for permission to use supplementary controls. A clerical worker is estimated to spend 0.35 hours typing, making copies, and sending the request to MSHA and the representative of the miners.

As estimated in Table IV-46 in the PREA, the number of MMUs requesting permission to use supplementary controls in the first year of the proposed PV rule is as follows:

- 4 MMUs in mines employing fewer than 20 workers,
- 15 non-longwall MMUs in mines employing 20 to 500 workers,
- 22 longwall MMUs in mines employing 20 to 500 workers,
- 0 non-longwall MMUs in mines employing more than 500 workers, and
- 4 longwall MMUs in mines employing more than 500 workers.

As estimated in Table IV-46 in the PREA, The number of MMUs requesting permission to use supplementary controls on an annual basis is as follows (starting in the first year the rule takes effect):

- 10 MMUs in mines employing fewer than 20 workers,
- 27 non-longwall MMUs in mines employing 20 to 500 workers,
- 1 longwall MMU in mines employing 20 to 500 workers,
- 1 non-longwall MMU in mines employing more than 500 workers, and
- 0 longwall MMUs in mines employing more than 500 workers.

Below, by size category, are underground coal operators' first year burden hours and costs to write a request to use supplementary controls and send it to MSHA and the representative of the miners.

Also below, by size category, are underground coal operators' annual burden hours and costs to write a request to use supplementary controls and send it to MSHA and the representative of the miners.

FIRST YEAR ONLY BURDEN

Requesting Permission to Use Supplementary Controls for Plan Verification
1st Year Only

<20 emp.	4 MMUs x 1.35 time to prepare PAPR request =	5 hrs.
20to 500 emp.	37 MMUs x 1.35 time to prepare PAPR request =	50 hrs.
>500 emp.	4 MMUs x 1.35 time to prepare PAPR request =	5 hrs.
	Total Hrs.	**60 hrs.**

First Year Only Burden Cost

5 hrs. x $45.76	= $ 229
50 hrs. x $45.76	= $2,288
5 hrs. x $45.76	= $ 229
Total Cost	= **$2,746**

ANNUAL BURDEN

Requesting Permission to Use Supplementary Controls for Special Mining Conditions Annually

<20 emp.	10 MMUs x 1.35 time to prepare PAPR request =	14 hrs.
20to 500 emp.	28 MMUs x 1.35 time to prepare PAPR request =	38 hrs.
>500 emp.	1 MMUs x 1.35 time to prepare PAPR request =	1 hr.
	Total Hrs.	**53 hrs.**

First Year Only Burden Cost

14 hrs. x $45.76	= $ 641
38 hrs. x $45.76	= $1,739
1 hr. x $45.76	= $ 46
Total Cost	= **$2,426**

Proposed §70.217(b)(3)
Burden Hours and Costs to Post Written Request for Permission to Use Supplementary Controls

MSHA estimates that it will take a clerical worker 0.1 hours to post the written requests for permission to use supplementary controls. The number of MMUs that would have to post the request is the same as noted above when deriving the burden hours and costs to write and send to MSHA a request to use supplementary controls.

Below, by size category, are underground coal operators' first year burden hours and costs to post written requests to use supplementary controls.

Also below, by size category, are underground coal operators' annual burden hours and costs to post written requests to use supplementary controls.

FIRST YEAR ONLY BURDEN

To Copy and Post Written Permission to Use Supplementary Controls for Plan Verification
1st Year Only

<20 emp.	4 MMUs x 0.1 hrs. time to copy and post request for PAPRs =	1 hr.
20to 500 emp.	37 MMUs x 0.1 hrs. time to copy and post request for PAPRs =	4 hrs.
>500 emp.	4 MMUs x 0.1 hrs. time to copy and post request for PAPRs =	1 hr.
	Total Hrs.	**6 hrs.**

First Year Only Burden Cost

1 hr. x $19.58	= $20
4 hrs. x $19.58	= $78
1 hr. x $19.58	= $20
Total Cost	= **$118**

ANNUAL BURDEN

To Copy and Post Written Permission to Use Supplementary Controls for Special Mining Conditions
Annual

<20 emp.	10 MMUs x 0.1 hrs. to copy and post request to use suppl. Contrl =	1 hr.
20to 500 emp.	28 MMUs x 0.1 hrs. to copy and post request to use suppl. contrl. =	3 hrs.
>500 emp.	1 MMUs x 0.1 hrs. to copy and post request to use suppl. contrl =	1 hr.
	Total Hrs.	**5 hrs.**

Annual Burden Cost

1 hrs. x $19.58	= $20
3 hrs. x $19.58	= $59
1 hr. x $19.58	= $20
Total Cost	= **$99**

Proposed §70.210(a)
Burden Hours and Costs to Write a PAPR Program and Send it to the District Manager

Section 70.210(a) governs the operator writing and submitting to the District Manager a PAPR program. MSHA estimates that it would take a supervisor about 4 hours to write a PAPR program. In addition, a clerical worker is estimated to take 30

minutes (0.5 hours) to type and send the program to the District Manager. On average, MSHA expects that the PAPR program would change approximately every two years. The first year costs were therefore annualized using an annualization factor of 0.553, which reflects an investment period of two years and an annual discount rate of 7 percent. The number of MMUs, by size category, that would need to write a PAPRs program are:

- 11 MMUs in mines employing fewer than 20 workers,
- 32 non-longwall MMUs in mines employing 20 to 500 workers,
- 18 longwall MMUs in mines employing 20 to 500 workers,
- 1 non-longwall MMUs in mines employing more than 500 workers, and
- 4 longwall MMUs in mines employing more than 500 workers.

Below, by size category, are underground coal operators' first year burden hours and costs to write a PAPR program and send it to the District Manager.

FIRST YEAR ONLY BURDEN

To Write and prepare to send a PAPR Program
1st Year Only

<20 emp.	11 MMUs x 4.5 hrs. to write a PAPR program =	50 hrs.
20to 500 emp.	50 MMUs x 4.5 hrs. to write a PAPR program =	225 hrs.
>500 emp.	5 MMUs x 4.5 hrs. to write a PAPR program =	23 hrs.
	Total Hrs.	**298 hrs.**

First Year Only Burden Cost	
50 hrs. x $50.99 [3]	= $ 2,550
225 hrs. x $50.99	= $11,473
23 hrs. x $50.99	= $ 1,173
Total Cost	= **$15,196**

Proposed § 70.213(a)
Burden Hours and Costs to Write an Administrative Control Program and Prepare to Send it to the District Manager

Section 70.213(a) governs the operator writing and submitting to the District Manager an administrative control program. MSHA estimates that it would take a supervisor about 2 hours to write an administrative control program. In addition, MSHA estimates that a clerical worker would take 30 minutes (0.5 hours) to type and send the program to the District Manager. On average, MSHA expects that the administrative control program would change approximately every two years. The first year costs were therefore annualized using an annualization factor of 0.553, which reflects an investment

[3] $50.99 = ((4 hrs. x $54.92) + (0.5 hrs. x $19.58)) / 4.5 hrs.

period of two years and an annual discount rate of 7 percent. The number of MMUs, by size category, that would need to write an administrative control program are:

- 3 MMUs in mines employing fewer than 20 workers,
- 10 non-longwall MMUs in mines employing 20 to 500 workers,
- 5 longwall MMUs in mines employing 20 to 500 workers,
- 0 non-longwall MMUs in mines employing more than 500 workers, and
- 0 longwall MMUs in mines employing more than 500 workers.

Below, by size category, are underground coal operators' first year burden hours and costs to write an administrative control program and prepare to send it to the District Manager.

FIRST YEAR ONLY BURDEN

To Write and prepare to send an administrative control Program
1st Year Only
<20 emp.
3 MMUs x 2.5 hrs. to write an adm. contrl. prog. & prepare to send = 8 hrs.
20to 500 emp.
15 MMUs x 2.5 hrs. to write an adm. contrl. prog. & prepare to send = 38 hrs.
>500 emp.
0 MMUs x 2.5 hrs. to write an adm. contrl. prog. & prepare to send = 0 hrs.
Total Hrs. **46 hrs.**

First Year Only Burden Cost	
7 hrs. x $47.85 [4]	= $ 383
37 hrs. x $47.85	= $1,818
0 hrs. x $47.85	= $ 0
Total Cost	= **$2,201**

Proposed §70.210(a)(2)
Burden Hours and Costs for Supervisor to Prepare for Training Miners on the Use of a PAPR

In order to follow the ANSI standard, workers must be trained in the use of PAPRs as part of an overall program. Before training occurs, the operator would incur costs to prepare a training program.

MSHA assumes that a mine supervisor would give the PAPR training and estimates that it would take the mine supervisor 2 hours to prepare the training program. The number of MMUs affected are the same as determined above when deriving the

[4] $47.85 = ((2 hrs. x $54.92) + (0.5 hrs. x $19.58)) / 2.5 hrs.

burden hours and costs to write a PAPR program and send it to MSHA. Although the training given by the supervisor to miners will be annual, development of the training program is a one-time cost because it can be used in future years with minimal changes. The first year costs for the supervisor to prepare for PAPR training has been annualized using an annualization factor of 7 percent.

Below, by size category, are first year burden hours and costs for underground coal operators to prepare for training miners in the use of PAPRs.

FIRST YEAR ONLY BURDEN

To Prepare for training miners in the use of PAPRs
1st Year Only

<20 emp.	11 MMUs x 1 training session x 2 hrs. to prepare for training miners in the use of PAPRs	= 22 hrs.
20to 500 emp.	50 MMUs x 1 training session x 2 hrs. to prepare for training miners in the use of PAPRs	= 100 hrs.
>500 emp.	5 MMUs x 1 training sessions x 2 hrs. to prepare for training miners in the use of PAPRs	= 10 hrs.
	Total Hrs.	**132 hrs.**

First Year Only Burden Cost	
22 hrs. x $54.92	= $1,208
100 hrs. x $54.92	= $5,492
10 hrs. x $54.92	= $ 549
Total Cost	= **$7,249**

Proposed §70.210(a)(2)
Burden Hours and Costs to Make a Record of PAPR Training Given to Miners

After annual PAPR training has been given, the supervisor will make a record of the training. This record will serve as proof that such training was provided. MSHA estimates that, for each miner receiving PAPR training, it would take a mine supervisor 1.5 minutes (0.025 hours) to make a record of the training. Six miners (5 existing and 1 new miner) per non-longwall MMU at mines employing fewer than 20 workers would need training. For mines employing 20 to 500 workers, 11 miners (10 existing miners and 1 new miner) per non-longwall MMU would need training. For mines employing more than 500 workers, 16 miners (15 existing miners and 1 new miner) per longwall MMU would need training.

Below, by size category, are underground coal operators' annual costs to make a record of PAPR training given to miners.

ANNUAL BURDEN

Make a record of PAPR training
Annual

<20 emp.	11 MMUs x 6 miners to train x 0.025 hrs. time to make record =	2 hr.
20to 500 emp.	50 MMUs x 11 miners to train x 0.025 hrs. time to make record =	14 hrs.
>500 emp.	5 MMUs x 16 miners to train x 0.025 hrs. time to make record =	2 hrs.
	Total Hrs.	**18 hrs.**

Annual Burden Cost	
2 hrs. x $54.92	= $110
14 hrs. x $54.92	= $769
2 hr. x $54.92	= $110
Total Cost	= **$989**

Proposed §70.215(c)(2)
Burden Hours and Costs to Make a Record of Excessive Dust Condition

If any valid quarterly concentration measurement exceeds the applicable dust standard by 0.10 mg/m^3 or more, then a record must be made. The record must include the following: the date of sampling; the location within the mine where the sample was collected and the occupation sampled; the measured dust concentration of each sample collected; and the corrective action being taken to reduce the concentration of respirable coal mine dust.

The number of overexposures, for which a record would be made, in the first year of the proposed PV rule is estimated to be:

- 1 for MMUs at mines employing fewer than 20 workers,
- 3 for non-longwall MMUs at mines employing 20 to 500 workers,
- 1 for longwall MMUs at mines employing 20 to 500 workers, and
- 1 for non-longwall MMUs at mines employing more than 500 workers.

The number of overexposures, for which a record would be made, for every year after the first year of the proposed PV rule is estimated to be:

- 2 for MMUs at mines employing fewer than 20 workers,
- 5 for non-longwall MMUs at mines employing 20 to 500 workers,
- 1 for longwall MMUs at mines employing 20 to 500 workers, and

C 1 for non-longwall MMUs at mines employing more than 500 workers.

Below, by size category, are underground coal operators' first year burden hours and costs to make records for overexposures associated with quarterly sampling.

Below, by size category, are underground coal operators' annual burden hours and costs to make records for overexposures associated with quarterly sampling.

FIRST YEAR ONLY BURDEN

Make record of excessive dust condition
1st Year Only

<20 emp.	1 overexposure x 0.1 hrs. to make record = 0.1 hr.
20to 500 emp.	4 overexposures x 0.1 hrs. to make record = 0.4 hr.
>500 emp.	1 overexposure x 0.1 hrs. to make record = 0.1 hr.

ANNUAL BURDEN

<20 emp.	2 overexposurers x 0.1 hrs. to make record = 0.2 hrs.
20to 500 emp.	6 overexposurers x 0.1 hrs. to make record = 0.6 hrs.
>500 emp.	1 overexposurers x 0.1 hrs. to make record = 0.1 hrs.

Adjusted First Year Only Burden Hours(1st Year – Annual)

<20 emp.	0.1 hrs. – 0.2 hrs.	= -0.1 hrs.
20to 500 emp.	0.4 hrs. – 0.6 hrs.	= - 0.2 hrs.
>500 emp.	0.1 hrs. – 0.1 hrs.	= 0 hrs.
	Total Hrs.	**-0.3 hrs.**

Adjusted First Year Only Burden Cost

-0.1 hrs. x $54.92	= -$ 5
-0.2 hrs. x $54.92	= -$11
0 hrs. x $54.92	= $ 0
Total Cost	= **-$16**

ANNUAL BURDEN

Make record of excessive dust condition
Burden Hours

<20 emp.	2 overexposurers x 0.1 hrs. to make record =	0.2 hrs.
20to 500 emp.	6 overexposurers x 0.1 hrs. to make record =	0.6 hrs.
>500 emp.	1 overexposurers x 0.1 hrs. to make record =	0.1 hrs.
	Total Hrs.	**0.9 Hrs.**

Burden Costs

<20 emp.	0.2 hrs. x $54.92	= $11
20to 500 emp.	0.6 hrs. x $54.92	= $33
>500 emp.	0.1 hrs. x $54.92	= $ 5

Total Cost **$49**

Proposed 70.218(b)(4) and 90.207(b)(2)(i)
Costs for Notify MSHA That Corrective Action Has Been Taken

Operators must notify MSHA that corrective actions in response to a citation have been taken. MSHA expects that operators will notify MSHA electronically. A clerical worker would take 0.025 hours (1.5 minutes) to make the notification. Citations in the first year are estimated to be: 68 for MMUs in mines employing fewer than 20 workers; 376 for MMUs in mines employing 2o to 500 workers; and 16 MMUs in mines employing more than 500 workers. Citations in the second year and every year thereafter are estimated to be: 24 for MMUs in mines employing fewer than 20 workers; 136 for MMUs in mines employing 2o to 500 workers; and 10 MMUs in mines employing more than 500 workers.

Below, by mine size category, are underground coal operators first year burden to notify MSHA of corrective actions made in response to citations.

Also below, by mine size category, are underground coal operators first year burden to notify MSHA of corrective actions made in response to citations.

FIRST YEAR ONLY BURDEN

Notify MSHA That Corrective Action Have Been Taken
1st Year Only

<20 emp.	68 citations x 0.025 hrs. to notify	= 1.7 hrs.
20to 500 emp.	376 citations x 0.025 hrs. to notify	= 9.4 hrs.
>500 emp.	16 citations x 0.025 hrs. to notify	= 0.4 hrs.

Annual Burden

<20 emp.	24 citations x 0.025 hrs. to notify	= 0.6 hrs.
20to 500 emp.	136 citations x 0.025 hrs. to notify	= 3.4 hrs.
>500 emp.	10 citations x 0.025 hrs. to notify	= 0.3 hrs.

Adjusted First Year Only Burden Hours(1st Year – Annual)

<20 emp.	1.7 hrs. – 0.6 hrs.	= 1.1 hrs.
20to 500 emp.	9.4 hrs. – 3.4 hrs.	= 6 hrs.
>500 emp.	0.4 hrs. – 0.3 hrs.	= 0.1 hrs.
	Total Hrs.	**7.2 hrs.**

Adjusted First Year Only Burden Cost

1.1 hrs. x $19.58	= $ 22
6.0 hrs. x $19.58	= $117
0.1 hrs. x $19.58	= $ 2
Total Cost	= **$141**

ANNUAL BURDEN

Notify MSHA That Corrective Action Have Been Taken
Burden Hours

<20 emp.	24 citations x 0.025 hrs. to notify =	0.6 hrs.
20to 500 emp.	136 citations x 0.025 hrs. to notify =	3.4 hrs.
>500 emp.	10 citations x 0.025 hrs. to notify =	0.3 hrs.
	Total Hrs.	**4.3 hrs.**

Burden Costs

<20 emp.	0.6 hrs. x $19.58	= $12
20to 500 emp.	3.4 hrs. x $19.58	= $67
>500 emp.	0.3 hrs. x $19.58	= $ 6
	Total Cost	**$85**

Provision	Respondents	Responses	Hours	Dollars
71.201, 71,.209, 71,210(b), 90.203, 90.205, 70.203, 70.204, 70.215, 70.216, 70.217	1,083	20,419	25,013	$635,135
70.201(g), 71.201(c), 90.201(c)	1,083	256	256	$11,798
70.201(b), 71.202(b), 90.202(b)	1,083	230	1,606	$61,826
70.219(a), 71.220(a), 90.208(a)	1,083	1,302	651	$27,943
71.300	53	53	159	$8,414
71.301(d)	53	53	13	$255
90.300	6	6	16	$314
90.301(d)	6	6	3	$130
70.201(f)	1,083	1,107	221	$4,327
70.209(a), 70.212 (c)(1)	84	84	113	$5,172
70.217(b)(3)	84	84	11	$217
70.210(a)	66	66	298	$15,196
70.213(a)	18	18	46	$2,201
70.210(a)(2)	66	66	132	$7,249
70.210(a)(2)	66	66	18	$989
70.215(c)(2)	6	6	0.6	$33
70.218(b)(4), 90.207(b)(2)(i)	460	460	12	$226
Total		24,282	28,569	$781,425

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.)

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such**

as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**

- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

Note that these calculations are based on the data from the Preliminary Regulatory Economic analysis (PREA) for the proposed rule. In some cases; however, the totals in the Supporting Statement may appear to deviate form those in the PREA because the burden hours and burden hour costs components have been rounded for purposed of readability.

§70.204(a), 71.204(a); and 90.204(a), require that approved sampling devices be maintained as approved under 30 CFR Part 74 and calibrated in accordance with MSHA Information Report No. 1121.

FIRST YEAR ONLY COST

The sampling capital (or startup) cost to mine operators to obtain and maintain the equipment and supplies necessary to conduct respirable dust sampling is estimated to be:

14,643 dust cassettes x $13.81 ea.	= $202,220
895 pumps x $638 x 0.142(10-yr. life)	= $81,083
1,424 sampling-head assemblies x $266 ea x 0.381(3-yr. life)	= $144,317
895 battery chargers x $50 ea. x 0.244(5-yr. life)	= $10,919
447 spare battery packs x $156 ea. x 0.381(3-yr. life)	= $26,568
100 fast-response calibrators x $900 ea x 0.244(5-yr. life)	= $21,960
Total	= **$487,067**

The sampling operational and maintenance and contact services cost is estimated to be:

895 pumps x $135 for maint. & repair	= $120,825
5,776 dust samples x $78.75 per sample	

(collected by operator using equip. + cassette supplied by contractor)	= $454,860
1,546 dust samples x $210 per sample (collected by contractor)	= $324,660
Total	= **$900,345**

Regulations require respirable dust pumps to be calibrated before they are put into service and at intervals of not more than 200 hours of operating time thereafter. There are 895 respirable dust pumps being used by mine operators today, and approximately one third of the pumps (or about 298 pumps) will be calibrated annually. MSHA estimates that 20% of the calibrations (or about 60 pumps) will be performed by the mine's certified dust technician, earning approximately $19.95 per hour, and that each calibration requires about 35 minutes (0.5833 hours) to perform. The remaining 238 dust pumps will be calibrated by outside parties.

60 pumps x 0.5833 hours/calibration x $19.95 per hour	= $ 698
238 pumps x $110/calibration service	= $26,180
Total	= **$26,878**

MSHA received approximately 20,419 samples (14,643 + 5,776) along with the dust data cards. The postage cost for mailing the dust sample along with its dust data card is $0.60 per sample. Postage for the 1,546 samples by contractors are included in the $210 noted above.

20,419 samples x $0.60	= **$12,251**

COST IN SECOND YEAR AND EVERY YEAR THEREAFTER

The capital (or startup) cost to mine operators to obtain and maintain the equipment and supplies necessary to conduct respirable dust sampling is estimated to be:

14,544 dust cassettes x $13.81 ea.	= $200,853
889 pumps x $638 x 0.142(10-yr. life)	= $80,540
1,414 sampling-head assemblies x $266 ea x 0.381(3-yr. life)	= $143,303
889 battery chargers x $50 ea. x 0.244(5-yr. life)	= $10,846
444 spare battery packs x $156 ea. x 0.381(3-yr. life)	= $26,390
100 fast-response calibrators x $900 ea x 0.244(5-yr. life)	= $21,960
Total	= **$483,892**

The total annual operational and maintenance and contact services cost is estimated to be:

889 pumps x $135 for maint. & repair	= $120,015
5,737 dust samples x $78.75 per sample (collected by operator using equip. + cassette supplied by contractor)	= $451,789
1,535 dust samples x $210 per sample (collected by contractor)	= $322,350
Total	= **$894,154**

Regulations require respirable dust pumps to be calibrated before they are put into service and at intervals of not more than 200 hours of operating time thereafter. There are 889 respirable dust pumps being used by mine operators today, and approximately one third of the pumps (or about 296 pumps) will be calibrated annually. MSHA estimates that 20% of the calibrations (or about 59 pumps) will be performed by the mine's certified dust technician, earning approximately $19.95 per hour, and that each calibration requires about 35 minutes (0.5833 hours) to perform. The remaining 237 dust pumps will be calibrated by outside parties.

59 pumps x 0.5833 hours/calibration x $19.95 per hour	= $687
237 pumps x $110/calibration service	= $26,070
Total	= **$26,757**

MSHA received approximately 20,281 (14,544 + 5,737) along with the dust data cards. The postage cost for mailing the dust sample along with its dust data card is $0.60 per sample. Postage for the 1,546 samples by contractors are included in the $210 noted above.

20,281 samples x $0.60	= **$12,169**

To write and mail request for permission to use supplementary controls for plan verification purposes operators incur $0.15 to photocopy 2 pages and $1 for postage. Two copies are mailed.

FIRST YEAR ONLY COST

<20 emp.	4 requests x $2.60 to copy and send [5]	= $10
20 to 500 emp.	37 requests x $2.60 to copy and send	= $96
>500	4 request x $2.60 to copy and send	= $10
	Total costs	**$116**

[5] $2.60 = (($0.15 x 2 pgs.) + $1 postage) x 2 mailings.

To write and mail request for permission to use supplementary controls for special mining conditions operators incur $0.15 to photocopy 2 pages and $1 for postage. Two copies are mailed.

ANNUAL COST

<20 emp.	10 requests x $2.60 to copy and send x 3 requests/yr.	= $ 78
20 to 500 emp.	28 requests x $2.60 to copy and send x 3 requests/yr.	= $218
>500	1 request x $2.60 to copy and send x 3 requests/yr.	= $ 8
	Total costs	**$304**

COST TO PURCHASE PAPRs

As a result of the plan verification rule certain mine operators would need to incur costs related to the use of PAPRs in order to achieve a verified plan.

FIRST YEAR ONLY COST

The costs to purchase PAPRs by mine operators are as follows:

<20 emp.	11 PAPRs x 6 PAPRs per MMU x $816.95 PAPR costs [6]	= $ 53,919
20 to 500 emp	50 PAPRs x 6 PAPRs per MMU x $816.95 PAPR costs	= $245,085
>500 emp.	5 PAPRs x 6 PAPRs per MMU x $816.95 PAPR costs	= $ 24, 509
	Total costs	**$323,513**

ANNUAL COSTS

Maintenance must be performed on a PAPR to keep the device operating properly. For both longwall and non-longwall MMUs , the following equipment, costing $332.52, would be needed to maintain a PAPR throughout the year:

- $209 for 1 intrinsically-safe battery pack;
- $40.60 for 1 headseal;
- $37.28 for 2 (medium/large) elastomeric faceseals costing $18.64 apiece;
- $35.64 for 1 pre-filter per month (12 months x $2.97 per pre-filter); and
- $10 for 1 visor.

In addition to the above equipment, after every shift on which a PAPR is used, a high efficiency filter (costing $26) and a protective cover that overlays the visor (costing $1) should be changed.

[6] The PAPR cost is for 3M Airstream Haedgear-Mounted PAPR system, Model No. AS-600LBC

Changing the high efficiency filter and the protective cover would occur every workday at MMUs that have miners using PAPRs as a result of plan verification. For one PAPR, high efficiency filter and protective cover changes would occur:

- 260 times at MMUs employing fewer than 20 workers (1 shift/day x 5 work days/week x 52 weeks/year);
- 520 times at non-longwall MMUs employing 20 to 500 workers (2 shifts/day x 5 work days/week x 52 weeks/year);
- 624 times at longwall MMUs employing 20 to 500 workers (2 shifts/day x 6 work days/week x 52 weeks/year);
- 780 times at non-longwall MMUs employing more than 500 workers (3 shifts/day x 5 work days/week x 52 weeks/year); and
- 936 times at longwall MMUs employing 20 to 500 workers (3 shifts/day x 6 work days/week x 52 weeks/year).

Below, by size category, are underground coal operators' annual maintenance burden costs for PAPRs used as a result of plan verification needs.

Annual PAPR Maintenance Costs – Related to Plan Verification

<20 emp. (1 PAPR x 6 PAPRs per MMU x $332.52 equip. costs [7]) + (1 PAPR x 3 avg. no. of PAPRs per shift x 260 PAPR changes/yr. x $27 cost to change papr per shift per MMU [8]) = $23,055

<20 to 500 emp. (non-longwall) (5 PAPRs x 6 PAPRs per MMU x $332.52 equip. costs) + (5 PAPRs x 3 avg. no. of PAPRs per shift x 520 PAPR changes/yr. x $27 cost to change papr per shift per MMU) = $220,576

<20 to 500 emp. (longwall) (17 PAPRs x 6 PAPRs per MMU x $332.52 equip. costs) + (17 PAPRs x 3 avg. no. of PAPRs per shift x 624 PAPR changes/yr. x $27 cost to change papr per shift per MMU) = $893,165

>500 emp. (longwall) (4 PAPRs x 6 PAPRs per MMU x $332.52 equip. costs) + (4 PAPRs x 3 avg. no. of PAPRs per shift x 936 PAPR changes/yr. x $27 cost to change papr per shift per MMU) = $311,244

Total annual PAPR maintenance costs PAPRs for plan verification needs

[7] $332.52 = $209 for 1 intrinsically-safe battery pack, $40.60 for 1 headseal, $37.28 for 2 (medium/large elastonmeric faceseals, $35.64 for 1 pre-filter per month (12 x $2.97 per pre-filter), and $10 for a visor.

[8] $27 = $26 for a high efficiency filter + $1 protective cover cost.

= **$1,448,040**

With respect to PAPRs worn on MMUs that experience special mining conditions, the equipment costs, totaling $332.52, are assumed to be the same. The costs to change a high efficiency filter and protective cover would also be the same as determined above. However, high efficiency filter and protective cover changes would occur much less frequently.

MSHA assumes that an affected MMU would encounter special mining conditions only three times per year, and PAPRs would be worn for 45 days throughout the year (on average, 15 days per occurrence). For one PAPR, high efficiency filter and protective cover changes would occur:

- 45 times at MMUs employing fewer than 20 workers (1 shift/day x 45 work days/year);
- 90 times at non-longwall and longwall MMUs employing 20 to 500 workers (2 shifts/day x 45 work days/year); and
- 135 times at non-longwall MMUs employing more than 500 workers (3 shifts/day x 45 work days/year);

Below, by size category, underground coal operators' annual maintenance burden costs for PAPRs used as a result of special mining conditions.

Annual PAPR Maintenance Costs - for Special Mining Conditions

<20 emp. (10 PAPR x 6 PAPRs per MMU x $332.52 equip. costs)
+ (10 PAPR x 3 avg. no. of PAPRs per shift x 45 PAPR changes/yr. x $27 cost to change papr per shift per MMU) = $56,401

<20 to 500 emp.
(non-longwall)(27 PAPRs x 6 PAPRs per MMU x $332.52 equip. costs)
+ (27 PAPRs x 3 avg. no. of PAPRs per shift x 90 PAPR changes/yr. x $27 cost to change papr per shift per MMU) = $250,698

<20 to 500 emp.
(longwall) (1 PAPR x 6 PAPRs per MMU x $332.52 equip. costs)
+ (1 PAPRs x 3 avg. no. of PAPRs per shift x 90 PAPR changes/yr. x $27 cost to change papr per shift per MMU) = $9,285

>500 emp.
(non- longwall)(1 PAPR x 6 PAPRs per MMU x $332.52 equip. costs)
+ (1 PAPRs x 3 avg. no. of PAPRs per shift x 135 PAPR changes/yr. x $27 cost to change papr per shift per MMU) = $12,930

Total annual PAPR maintenance costs for special mining conditions
= **$329,314**

TOTAL COST = $3,527,828

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

MSHA incurs significant costs in weighing the respirable dust samples, recording the weights on the dust data cards, and making data entry into electronic data processing systems to record and utilize the dust sample data.

Upon receiving the dust sample with its dust data card, the MSHA laboratory weighs the dust sample, records the results on the dust data card, and enters the information contained on the dust data card into a personal computer for transmission to the main computer in San Antonia, New Mexico, (previously located in Denver, CO) for processing under contract with the Department of Defense. There, the transmitted information is processed, which involves checking the inputted information for accuracy and completeness, performing the required calculations of average concentration, and electronically transmitting the results to Denver, CO, where various computer-generated reports called data mailers are produced. These data mailers, which contain specific information obtained from the dust data card, are sent to coal mine operators to communicate the disposition of each sample.

FIRST YEAR ONLY

Sample processing and data transmission to main frame:

MSHA personnel labor cost	= $80,804
Equipment (vacuum pump, robotic weighing system, analytical balances, and computer systems)	= $10,529
Misc. supplies (labels, paper, etc.)	= $ 224
Total	= **$91,557**

Data processing and reporting of results to mine operators:

Data mailers (21,965 mailers x $0.36)	= $ 7,907
Computer time and onsite support ($1.37 per mailer x 21,965)	= $30,092
Technical support (80% of contractor's salary of $114,000 salary)	= $91,200
Postage (21,965 x $0.49)	= $10,763
Total	= **$139,962**

SECOND YEAR AND EVERY YEAR THEREAFTER

Sample processing and data transmission to main frame:

MSHA personnel labor cost	= $80,255
Equipment (vacuum pump, robotic weighing system, analytical balances, and computer systems)	= $10,458
Misc. supplies (labels, paper, etc.)	= $ 222
Total	= **$90,935**

Data processing and reporting of results to mine operators:

Data mailers (21,816 mailers x $0.36)	= $ 7,854
Computer time and onsite support ($1.37 per mailer x 21,816)	= $29,888
Technical support (80% of contractor's salary of $114,000 salary)	= $91,200
Postage (21,816 x $0.49)	= $10,690
Total	= **$139,632**

30 CFR 70.201(c), 71,201(c), and 90.201(c): MSHA expects to average 256 requests for sampling schedules annually, and expects to receive an average of 218 responses from mine operators and 38 from independent contractors, respectively in the first year. In the second year and every year thereafter, MSHA expects to average 255 requests for sampling schedules annually, and expects to receive an average of 217 responses from mine operators and 38 from independent contractors, respectively.

MSHA estimates it will take an Agency clerk, earning $15 per hour (GS 5/7), an average of 15 minutes (0.25 hours) to type and mail each request, and an average of 15 minutes (0.25 hours) to process each operator response; and an Agency health supervisor, earning $32 per hour (GS 12/5), an average of 15 minutes (0.25 hours) to review and distribute each response to respective field offices for follow-up action.

FIRST YEAR ONLY

256 requests x 0.25 hrs. per request	= 64 hours	
256 responses x 0.25 hrs. per response	= 64 hours	
Total	**128 hours**	
128 hrs. x $15		= **$1,920**
256 responses x 0.25 hrs. per response	= **64 hours**	
64 hrs. x $32		= **$2,048**

SECOND YEAR AND EVERY YEAR THEREAFTER

255 requests x 0.25 hrs. per request	= 64 hours	
255 responses x 0.25 hrs. per response	= 64 hours	
Total	= **128 hours**	
128 hrs. x $15		= **$1,920**
255 responses x 0.25 hrs. per response	= **64 hours**	
64 hrs. x $32		= **$2,048**

30 CFR 70.220(a), 71.220(a), and 90.220(a): This standard requires the operator to report to MSHA in writing a change in the operational status of any designated sampling entity when the change affects the operator's ability to fully comply with the respirable dust sampling requirements, within 3 working days after the status change has occurred. MSHA expects to process approximately 1,302 status change reports in the first year, and 1,293 in the second year and every year thereafter. These reports are subsequently reviewed again by MSHA personnel after each bimonthly sampling period to determine whether to issue a citation for failure to comply with sampling requirements when an advisory is received from Denver indicating that a mine failed to submit the required number of respirable dust samples. MSHA estimates that it will take an Agency health supervisor, earning $32 per hour (GS 13/5 salary), an average of 10 minutes (0.1667 hours) to review each status change report, and an Agency clerk, earning $15 per hour (GS 5/7), and average of 20 minutes (0.3333 hours) to process and file each report.

FIRST YEAR ONLY BURDEN

1,302 reports x 0.1667 hrs. per report	= **217 hours**	
217 hrs. x $32		= **$6,944**
1,302 reports x 0.3333 hrs. per report	= **434 hours**	
434 hrs. x $15		= **$6,510**

SECOND YEAR AND EVERY YEAR THEREAFTER

1,293 reports x 0.1667 hrs. per report	= **216 hours**	
216 hrs. x $32		= **$6,912**
1,293 reports x 0.3333 hrs. per report	= **431 hours**	
431 hrs. x $15		= **$6,465**

30 CFR 71.300: As a result of the citations issued for violations of the applicable dust standard (30 CFR 71.100 and 71.101), MSHA expects mine operators to submit 48 new respirable dust control plans and 5 revisions under 30 CFR 71.300 each year. MSHA estimates that it will take an Agency health supervisor, earning $32 per hour (GS 13/5 salary), 45 minutes (0.75 hours) to review the average plan (new) and 25 minutes (0.42 hour) per revision, and an Agency clerk, earning $15 per hour (GS 5/7 salary), another 45 minutes (0.75 hour) to process a plan (new or revision).

ANNUAL BURDEN

48 plans (new) x 0.75 hrs. per plan	= 36 hours	
5 plan revisions x 0.42 hour per plan	= 2 hours	
Total hrs.	= **38 hours**	
38 hrs. x $32		= **$1,216**
53 plans x 0.75 hour per plan	= **40 hours**	
40 hrs. x $15		= **$600**

30 CFR 90.300: As a result of the citations issued for violations of the applicable respirable dust standard (30 CFR 90.100 and 90.101), MSHA expects mine operators to submit 4 new respirable dust control plans and 2 revisions under 30 CFR 90.300 each year. MSHA estimates that it will take an Agency health supervisor, earning $32 per hour, 45 minutes (0.75 hours) to review the average plan and 25 minutes (0.4166 hours) per revision, and an Agency clerk, earning $15 per hour, another 45 minutes (0.75 hour) to process a new plan or any revisions.

ANNUAL BURDEN

4 plans (new) x 0.75 hour per plan	= 3 hours	
2 plan revisions x 0.4166 hour per plan	= 1 hour	
Total	= **4 hours**	
4 hrs. x $32		= **$128**
6 plans x 0.75 hour per plan	= **5 hours**	
5 hrs. x $15		= **$75**

15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.

There has been a decrease in the number of Respondents, Responses, and Hours due to:

- A decrease in the number of coal mines,
- Significant decreased the amount of sampling conducted by underground coal mine operators. Although the Single Sample rule provides a small increase in the amount of underground and surface operator sampling, the plan verification rule significantly decreases underground operator sampling. In the Plan Verification rule, the existing underground operator bi-monthly sampling program is eliminated. In addition, all abatement sampling by underground operators is also eliminated. Under the Plan Verification rule a small portion of underground operator's would conduct quarterly sampling. The overall affect of both rules is a significant decrease in the amount of operator sampling,
- Many of the provisions in this package are impacted by the amount of sampling; therefore, a decrease in sampling would also decrease respondents, responses, and hours, in these other provisions,
- New paperwork provisions that appear in this package for the first time, and

- There are some burden tasks performed that were not accounted for in the previously approved package that is being accounted for in this submission.

There has been a net increase in the costs. This is the net effect of a decrease and increase in costs due to:

- Cost decreases related to the reduction in operator sampling, at the same time there are large cost increases due to the use of PAPRs (Powered Air-Purifying Respirator) by the operator which is reflected in this paperwork package for the first time. A PAPR is a type of air-purifying respirator that uses a blower to force ambient air through the air-purifying elements to the inlet covering (a visor), which forms a partial seal with the face, to deliver filtered air into the miner's breathing area. The cost to purchase PAPRs as well as the annual PAPR maintenance is costly, and
- New paperwork provisions that appear in this package for the first time and thus add to the net increase in costs.

Respondents: There has been a decrease of 198 Respondents (1,281 to 1,083).

Responses: There has been a 33,880 decrease in Responses (58,162 to 24,282).

Hours: There has been a decrease of 13,885 hours (42,454 to 28,569).

Costs: There has been an increase of $400K ($3,128K to $3,528K).

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The transmittal and processing of dust data cards is not required to gather information for publication. Results are reported back to mine operators and the electronic data base is used to plan enforcement activities and evaluate programs, but the underlying purpose is to monitor compliance with mandatory permissible exposure limits for respirable coal dust to assure healthful work environments. Likewise, information provided by mine operators in respirable dust control plans is not collected for the purpose of publication.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

MSHA is seeking approval to not display the expiration date for OMB approval of this information collection. Dust sampling cassettes and the accompanying dust data cards are manufactured by the Mine Safety Appliances Company for sale to coal mine operators. MSHA has no direct control over the production or distribution of the cassettes and data cards. As a result, the likelihood is high that out-of-date dust data cards will be supplied to and used by the coal mining industry. MSHA proposes instead to issue a Program Information Bulletin to all coal mine operators informing them of the new expiration date each time OMB extends the expiration date for this information collection.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-I.

There are no certification exceptions identified with this information collection.

Proposed Display Statement

30 CFR Parts 70, 71, and 90 require coal mine operators to collect and submit dust samples to MSHA for analysis to determine compliance with federal coal mine dust standards. 30 CFR §§ 70.209, 71.209, and 90.209 require dust data cards submitted with each dust sample to be completed by person certified by MSHA to take dust samples.

The public reporting burden for this collection of information is estimated to average 78 minutes per response, including the time for the sample unit preparation, on-site monitoring, disassembly and cleanup, and completion of the dust data card. Send comments regarding this estimate response time or any other aspect of this collection of information, including suggestions for reducing this burden to the Records Management Group, Administration and Management, Mine Safety and Health administration, U.S. Department of Labor, 1100 Wilson Boulevard, Arlington, VA 22203-3939.

In compliance with the Privacy Act of 1974, the following information is provided: solicitation of the information requested on this form, including the use of the social security number for certified individuals and designated miners is authorized by 30 CFR Parts 70, 71, and90. The data will be used to determine compliance with federal coal mine respirable dust standards and sampling requirements. False certification is punishable under section 110(a) & (f) of the Federal Mine Safety and Health Act (PL 91-173 as amended by PL 95-164)

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

OMB Control Number 1219-0011